


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. C-02-216
	§	(C.A. No. C-07-223)
ALFRED NMI BOURGEOIS	§	

ORDER

On May 19, 2011, the Court entered a comprehensive Memorandum and Order denying Bourgeois' motion pursuant to 28 U.S.C. § 2255. (DE 660). Bourgeois has now filed a Motion Pursuant to F.R.Civ.P. 59(e) to Alter or Amend Judgement. (DE 665). "Motions for a new trial or to alter or amend a judgment must clearly establish either a manifest error of law or fact or must present newly discovered evidence. These motions cannot be used to raise arguments which could, and should, have been made before the judgment issued. Moreover, they cannot be used to argue a case under a new legal theory." *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990) (quoting *Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)). The Court has reviewed Bourgeois' post-judgment pleading and the record and, for all the reasons stated in the Memorandum and Order, **DENIES** his Rule 59(e) motion.

SIGNED and ORDERED this 17th day of June, 2011.


Janis Graham Jack
Senior United States District Judge